



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Economic Development, Science and Innovation Committee
Komiti Whiriwhiri Take Whanaketanga Ōhanga, Take Pūtaiao,
Take Atamaitanga

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Patents Amendment Bill

154—1

Presented to the House of Representatives
by Dr Parmjeet Parmar, Chairperson

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Patents Amendment Bill

Recommendation

The Economic Development, Science and Innovation Committee has examined the Patents Amendment Bill and recommends that the bill be passed.

Introduction

The Patents Act 2013 replaced the Patents Act 1953. However, the 2013 Act includes transitional provisions that allow patent applications filed under the 1953 Act, and any “divisional” patent applications relating to them, to be considered under the earlier 1953 Act. If a patent application has been made (the parent application), the applicant can make a new application for any specific part of the invention that was part of the parent application. The new application is called a divisional application.

The Patents Amendment Bill would amend the Patents Act 2013 to apply the 2013 Act’s stricter criteria to the granting of divisional applications that are filed under the 1953 Act. The bill’s purpose is to remove uncertainty and cost for New Zealand businesses, and allow them to manufacture and sell products with confidence.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation’s design to bring to the attention of the House.

Submissions received on the bill

We received 14 submissions and heard oral evidence from two submitters. A full summary of submissions, along with comments from our advisers, is available in the departmental report on the bill. The report is published on the Parliament website. We thank submitters for sharing their views on the bill.

Below we summarise the main themes from submissions on the bill.

Enabling examination of divisional patent applications under 2013 Act standards

Some submitters in favour of the bill commented that New Zealand manufacturers’ ability to innovate is hindered by the transitional provisions in the 2013 Act. We agree. As noted in our introduction above, these provisions enable patent applicants to file an unlimited number of divisional applications to keep their applications “pending”.

Other submitters said that the bill is unnecessary because it applies to a decreasing number of pending applications under the 1953 Act. We understand that the number of divisional applications that could be filed from pending applications under the 1953 Act is unlimited. The bill would ensure that divisional applications are considered under the 2013 Act standards.

Perceived retrospectivity

One submitter argued that the bill is retrospective and risks breaching international obligations, and that it would disproportionately affect small inventors, universities, and start-ups. While the bill's provisions would apply to divisional applications filed from patent applications already filed under the 1953 Act, it is not retrospective: only divisional applications filed after the bill comes into force would be affected. Any divisional applications made after this bill comes into effect would be assessed under "novelty" and "inventive step" criteria that align with the 2013 Act. Some criteria from section 20 of the 1953 Act will still apply.

Further, we consider that the examination standards under both the 1953 Act and the 2013 Act align with New Zealand's international obligations. The standards are applied equally to all applicants.

The same submitter said that the bill would complicate compliance for applicants and for the Commissioner of Patents, given that applications are processed under 1953 Act procedures but judged against 2013 Act standards. We understand that the Commissioner is experienced in examining patents under both the 1953 Act and 2013 Act standards. We consider that the bill would provide clarity by aligning the examination standard for further divisional applications with the requirements of the 2013 Act.

Appendix

Committee procedure

The Patents Amendment Bill was referred to the Economic Development, Science and Innovation Committee on 17 July 2025. The closing date for submissions was 4 September 2025. We received and considered submissions from 14 interested groups and individuals. We heard oral evidence from two submitters.

We received advice on the bill from the Ministry of Business, Innovation and Employment. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office was available to assist with legal drafting.

Committee members

Dr Parmjeet Parmar (Chairperson)
Dr Hamish Campbell
Reuben Davidson
Cushla Tangaere-Manuel
Dr Vanessa Weenink
Arena Williams
Scott Willis
Dr David Wilson

Related resources

The documents that we received as advice and evidence are available on the [Parliament website](#).